

CPIC Background Document

Harpswell Ordinances: Room for Improvement

Conventional land use regulations are essentially a blueprint for development, and development alone. Of course, land use regulations do establish certain standards (such as maximum densities and minimum setbacks), but typically they do little to protect open space or conserve rural character. The reason many subdivisions consist of nothing more than house lots and streets is because land use regulations and subdivision design standards usually require developers to provide nothing more. While many ordinances contain detailed standards for pavement thickness and culvert diameters, very few set any noteworthy standards for the quantity, quality and configuration of open space to be preserved.

Conventional land use regulations assign a development designation to every acre of land. The only lands which usually are not designated for development are wetlands and floodplains. Conventional land use regulations have been accurately described as "planned sprawl," because every square foot of each development parcel is converted to front yards, back yards, streets, sidewalks, or driveways. Period. Nothing is left over to become open space, in this land-consumptive process.

Harpswell's Existing Ordinances

Harpswell's land use regulations establish the allowable density of new residential development, in the form of minimum lot sizes. When a parcel of undeveloped land is proposed to be subdivided for residential use, the plan for the proposed project goes through a regulatory review process to assess its compliance with a variety of municipal concerns including minimum lot size, minimum setback requirements, wetlands, flood plains, site drainage, traffic, fire protection, the provision of potable water, the disposal of sewage, etc.

On occasion, the goal of the subdivider is to maximize the number of lots that can be developed on the property, while minimizing the developer's subdivision infrastructure costs. The goal of the current municipal regulatory process is to protect the public's health, safety and general welfare, as represented in the municipal regulations and codes governing the use of land. The result is the creation of suburban styled development which is fundamentally different from Harpswell's traditional development patterns of villages and rural areas -- the community character that we value.

Harpswell's current land use regulations do, by definition, protect the health, safety and welfare of the Town. However, this process does not advance many of the issues, goals and implementation strategies identified by the residents of Harpswell in the 2005 update of the Comprehensive Plan.

Issues, goals and strategies not addressed by Harpswell's current land use regulations include, but are not limited to the following:

- As is evidenced from experiences throughout Harpswell, current land use regulations do not help to "manage growth and development so as to maintain Harpswell's community character";

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- Current land use regulations do not “provide a range of housing opportunities to meet the needs of Town residents”;
- Current land use regulations do not “maintain our traditional pattern of alternating rural and village development”;
- Current land use practices do not “preserve and protect sufficient habitat to maintain current diversity and health of wildlife”;
- Current land use regulations contribute marginally to the strategy to “maintain a high quality marine ecosystem”;
- Current land use regulations provide limited opportunities to enhance the vitality of Harpswell’s existing villages.

As evidenced by these selected examples, Harpswell’s land use regulations do not achieve the goal of maintaining Harpswell’s community character. The proposals of the CPIC are intended to implement the recommendations of the Comprehensive Plan, address deficiencies in the current ordinances, and offer the opportunity to preserve and enhance Harpswell’s community character as the Town continues to grow.